

CROWN POINT COMMUNITY SCHOOL CORPORATION

BOARD OF SCHOOL TRUSTEES

Resolution No. 793

A RESOLUTION TO ESTABLISH SUBMISSION REQUIREMENTS WITH REGARD TO DESIGNATION AS "RESPONSIBLE" FOR PUBLIC WORK PROJECTS AND CERTIFIED PAYROLL REPORTING REQUIREMENT

WHEREAS, Crown Point Community School Corporation (the "School Corporation") is required by law to award certain contracts for public work projects to the "lowest responsive and responsible" bidder as prescribed by I.C. 36-1-12-1, *et seq.*, as amended from time to time; and

WHEREAS, such law provides that for purposes of determining whether a bidder is "responsible", the School Corporation may consider: 1) the ability and capacity of the bidder to perform the work; 2) the integrity, character, and reputation of the bidder; and 3) the competence and experience of the bidder; and

WHEREAS, based upon its experience, the School Corporation has recognized that to best assure quality workmanship, efficient operation, safety, and timely completion of projects, while maintaining the competitive nature of the process, enhancing its ability to determine whether a bidder is "responsible" through more comprehensive submission requirements along with establishing certain reporting expectations for successful bidders (including all tiers of subcontractors) as set forth in Exhibit A attached hereto, is hereby recommended.

NOW THEREFORE, BE IT RESOLVED, that the Board of School Trustees of Crown Point Community School Corporation does hereby adopt and approve the 1) Submission Requirements with regard to Designation as "Responsible" for Public Work Projects and 2) Certified Payroll Reporting Requirement, as set forth in Exhibit A attached hereto, and directs that the Superintendent and his designees apply the same to all future public work projects subject to I.C. 36-1-12-4, as amended from time to time, and further directs and authorizes the Superintendent and his designees to supplement the Requirements as deemed appropriate for the particular project, until such time as the Board rescinds this Resolution.


Adopted this 25th day of January 2021.

Amended Exhibit A this 25th day of October 2021.

CROWN POINT COMMUNITY SCHOOL CORPORATION
BOARD OF SCHOOL TRUSTEES



David Warne, President



Thomas K. Hoffman, Secretary

EXHIBIT A

SUBMISSION REQUIREMENTS WITH REGARD TO DESIGNATION AS "RESPONSIBLE" FOR PUBLIC WORK PROJECTS

SECTION 1. Bid Submission Requirements

In addition to all other items enumerated in the invitation to bid, bidders on any Crown Point Community School Corporation (the "School Corporation") public work project, as described in I.C. 36-1-12-1 *et seq.*, as amended from time to time, estimated to cost One Hundred Fifty Thousand Dollars (\$150,000.00) or more must submit within the bid package a sworn statement as to the accuracy and completeness of the submission, along with the following in order for the School Corporation to evaluate whether the bidder is "responsible":

- A. Certificate of Existence issued by the Indiana Secretary of State dated within sixty (60) days of the submission. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply, but the bidder shall submit a statement that the bidder's business remains in active operation and is authorized to do business in the State of Indiana.
- B. List of all current and former legal and trade names used by the bidder in the prior ten (10) years, along with the bidder's parent, subsidiary or sister organizations, if any.
- C. Statement describing bidder's years of experience in performance of Indiana public work projects and current management structure.
- D. Statement affirming that the bidder is in compliance with the e-verify program.
- E. Determinations issued in the prior ten (10) years by a court or governmental agency for violations of federal, state, or local laws including, but not limited to, violations of public contracting, antitrust, tax, licensing and/or environmental laws, the Occupational Safety and Health Act (OSHA), Davis-Bacon Act and similar federal bid laws. If none, a statement affirming that no such determinations have been issued against the bidder must be submitted.
- F. Statement of bidders Experience Modification Rating (EMR) for the past three (3) years and copy of OSHA 300 (with employee names redacted).
- G. Bidder's written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the subject project; and (ii) meets, or exceeds,

the requirements set forth in I.C. 4-13-18-5 or I.C. 4-13-18-6.

- H. The name and description of the management experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project.
- I. A statement describing staffing capabilities, including labor sources for the subject project.
- J. The percentage of the project the bidder intends to self-perform and if less than 100%, a list of the potential subcontractors (name, address and type of work) bidder intends to engage.
- K. Statement of commitment that, where feasible, bidder will offer opportunity for its workers who reside within the School Corporation's boundaries to be assigned work on the project.
- L. List and description of public work projects of similar size and scope of work that the bidder has performed in the State of Indiana within the past three (3) years.
- M. To the extent not included in the response to Subsection L above, list and description of K-12 public school projects that bidder has performed within the past seven (7) years.
- N. List and description of major public work project(s) bidder is currently performing and anticipated date(s) of completion.
- O. Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeable crafts dedicated exclusively to the transportation of material and equipment to and from the public works project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional

evidence of participation and graduation requirements may be requested by the Crown Point Community School Corporation at its discretion

- P. Documentation of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder.
- Q. Evidence that the bidder's surety company is on the U.S. Department of Treasury's list of certified surety companies.
- R. All other information as deemed appropriate by the Superintendent or his designees for the project.

The School Corporation reserves the right to request supplemental information and verification (re-verification) of any of the information provided by the bidder, and to conduct random inquiries of the bidder's current and prior customers.

SECTION II. Incomplete Submissions by Bidders

It is the sole responsibility of the potential bidder to comply with all applicable submission requirements in Section I above no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the School Corporation such that it cannot determine whether the bidder is responsible may result in the automatic disqualification of the bid.

SECTION III. Responsible Bidder Determination

The School Corporation, after review of complete and timely submissions and taking into account all bid submission requirements and the School Corporation's independent verification process, shall, in its sole discretion, determine whether a bidder is responsible.

SUBMISSION OF CERTIFIED PAYROLL RECORDS FOR WORK PERFORMED ON PROJECT

SECTION I. For public work projects for which the cost is at least \$150,000, the successful bidder and all subcontractors (all tiers) working on the project shall submit a certified payroll

report utilizing the U.S. Department of Labor's Form WH-347 (with redaction of the worker's identifying number). The form shall be prepared on a weekly basis and submitted to the School Corporation within ten (10) calendar days after the end of each week in which the bidder or subcontractor performed its work on the project. These certified payroll reports shall identify the job title and craft of each employee on the project (e.g. journeyman electrician or apprentice electrician). In the event the successful bidder or subcontractor uses independent contractors to perform work on the project, such individual must be identified on the WH-347 form with the same information as is required for employees. To the extent these records are materially inconsistent with the bidder's bid representations regarding self-performance or work or the identity of any subcontractors, the School Corporation reserves all rights and remedies.